IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

CRL.A.No. 83 of 2001()

CC.2019/1999 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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APPELLANT:

S.KRISHNA KUMAR, PARVATHEEYAM
KULATHARA, KALADI, KARAMANA,
THIRUVANANTHAPURAM

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. **RAMADAS, PROPRIETOR,**
   SAGAR ELECTRICALS
   MANICKYAM BUILDINGS,
   CHOORAKKATTUPALAYAM
   CHALAI P.O., THIRUVANANTHAPURAM

2. **STATE OF KERALA, REP. BY PUBLIC**
   PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.83 of 2001

Dated this the 4th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 3.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl